

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CATHERINE SESSA,

Plaintiff,

-against-

KIRSCHENBAUM & PHILLIPS, P.C.,

Defendant.

Case No. 2:11-cv-02099-SJF-WDW

**Honorable Sandra J. Feuerstein**

**PLAINTIFF'S NOTICE OF ACCEPTANCE OF  
DEFENDANT'S OFFER OF JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 68, Plaintiff, Catherine Sessa ("Plaintiff"), through her attorneys, Krohn & Moss, Ltd., accepts Defendant's, Kirschenbaum & Phillips, P.C. ("Defendant"), Offer of Judgment in the amount of \$250.00 to Plaintiff representing statutory damages, plus reasonable attorney's fees and costs, to be mutually agreed upon by the parties, or if no agreement can be reached, to be determined by the Court. *See* Defendant's Offer of Judgment attached as Exhibit A. Accordingly, Plaintiff respectfully requests that this Honorable Court vacate all dates currently set on calendar for the present matter.

Dated: June 15, 2011

RESPECTFULLY SUBMITTED,  
KROHN & MOSS, LTD.

By: /s/ Adam T. Hill

Adam T. Hill  
KROHN & MOSS, LTD.  
120 W. Madison St., 10th Floor  
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# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x Case No. 2:11-CV-02099 (SJF/WDW)

CATHERINE SESSA,

Plaintiff

-against-

OFFER OF JUDGMENT

KIRSCHENBAUM & PHILLIPS, P.C.,

Defendant

-----x

The above-named Defendant, by its attorney, ROBERT L. ARLEO, ESQ., pursuant to Fed. R. Civ. P. 68, hereby offers to have judgment entered against it as follows:

1. \$250.00 (two hundred fifty dollars) to the Plaintiff CATHERINE SESSA representing statutory damages pursuant to 15 U.S.C. sec. 1692(a)(2)(A);
2. Attorneys fees pursuant to 15 U.S.C. sec. 1692k(3), said attorneys fees to be negotiated between counsel for the Plaintiff and counsel for the Defendant. If said counsels cannot agree upon an amount representing attorneys fees, then an amount to determined by the Court.
3. Costs pursuant to 15 U.S.C. sec. 1692k(a)(3), said costs to be negotiated between counsel for the Plaintiff and counsel for the Defendant. If said counsels cannot agree upon an amount representing costs, then an amount to determined by the Court.

DATED: June 1, 2011

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ROBERT L. ARLEO, ESQ.  
Attorney for the Defendant  
164 Sunset Park Road  
Haines Falls, New York 12436  
(518) 589-4061

### PROOF OF SERVICE

I, Michael S. Agruss, state the following:

I am employed in Los Angeles, California; I am over the age of 18 and am not a party to this action; my business address is 10474 Santa Monica Blvd, Ste. 401, Los Angeles, CA 90025.

On June 15, 2011, I served the following documents: **PLAINTIFF'S NOTICE OF ACCEPTANCE OF DEFENDANT'S OFFER OF JUDGMENT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 68**

On the people listed below:

Robert L. Arleo  
Attorney for Defendant  
164 Sunset Park Road  
Haines Falls, NY 12436  
r.arleo@sbcglobal.net

By the following means of service:

- ☒ **BY ELECTRONIC SERVICE:** the documents above were delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service.
- ☒ **BY ELECTRONIC MAIL:** I transmitted the document(s) listed above electronically to the e-mail addresses listed above. I am readily familiar with the firm's Microsoft Outlook e-mail system, and the transmission was reported as complete, without error.
- ☒ **BY MAIL:** I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☒ **FEDERAL:** I declare under penalty of perjury under the laws of California that the above is true and correct.

Executed on June 15, 2011, at Los Angeles, California.

By: \_\_\_\_\_

  
Michael S. Agruss